

00-*R*-1021

CLAIM OF: EULALIE MITCHELL

through her attorney

JASON R. SCHULTZ, ESQ.

34 Peachtree Street, NW, Suite 2570

Atlanta, Georgia 30303

For damages alleged to have been sustained  
as a result of a wrongful death incident on  
January 19, 2000 at 50 Mount Zion Road.

THIS ADVERSED REPORT IS  
APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVISED BY JUL 17 2000  
CITY COUNCIL

ADVISED REPORT

COM *P.S.L.*

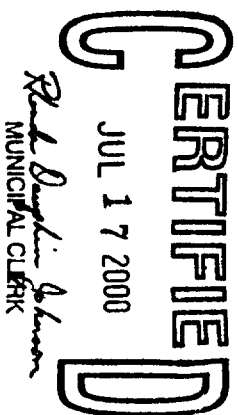
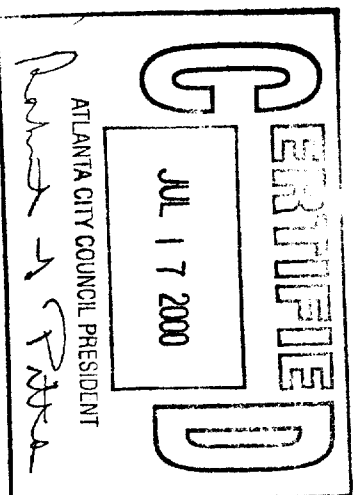
DATE *7/11/00*

CH *L.T. Walker*

*John T. Walker*

*John T. Walker*

*John T. Walker*





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

July 28, 2000

Jason R. Schultz  
Attorney at Law  
34 Peachtree St., NW  
Suite 2570  
Atlanta, GA 30303

00-R-1021

RE: Eulalie Mitchell

Dear Attorney Schultz:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 17, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0192

Date: June 22, 2000

Claimant /Victim Eulalie Mitchell  
BY: (Atty) (Ins. Co.) Jason R. Schultz, Esq.  
Address: W. Newton Moore, Attorney at Law, 34 Peachtree Street, NW Suite 2570, Atlanta, Georgia 30303  
Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified  
Date of Notice: 3-21-00 Method: Written, Proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 1-19-00 Place: 50 Mount Zion Road  
Department Police Division         
Employee involved        Disciplinary Action:       

**NATURE OF CLAIM:** Claimant alleges that she sustained damages due to the loss of life of a family member who was killed by the actions of the police. The City is immune from liability for the tortuous acts of its policemen and other officers engaged in the discharge of duties imposed on them by law pursuant to O.C.G A. § 36-33-3.

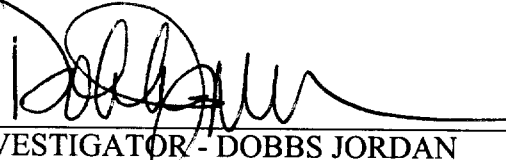
### INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police X Dept Report        Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

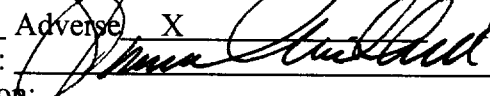
### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other X Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DOBBS JORDAN

### RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager:  Concur/date 06-30-00  
Committee Action:        Council Action

JORDAN  
03/22/00

W. NEWTON MOORE  
Attorney At Law  
34 Peachtree Street, N.W.  
Suite 2570  
Atlanta, Georgia 30303  
Fax (404) 577-0564  
(404) 584-6668  
E-MAIL: wnmlaw@mindspring.com

March 20, 2000

ENTERED - 3-29-00 - SB  
00L0192 - DOBBS JORDAN

**CERTIFIED MAIL NO. 7099 3400 0003 2656 5092**

Hon. Bill Campbell  
Atlanta City Hall  
55 Trinity Avenue  
Suite 2400  
Atlanta, GA 30335

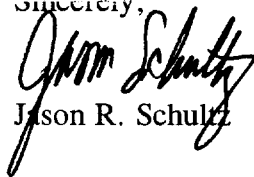
Re: Our Client: Eulalie Mitchell  
Date of Loss: January 19, 2000

Dear Mayor Campbell:

This letter is written to notify you, pursuant to O.C.G.A. § 36-33-5, that our firm has been retained to represent the family of Snapper Mitchell a.k.a. Wilbur Turnbull in connection with his death after having been illegally shot and killed by the Atlanta Police on January 19, 2000.

This shooting took place at approximately noon on January 19, 2000, inside the city of Atlanta near the Highberry Court Apartments off of Mount Zion Road. Upon information and belief, the individual officers and the Atlanta Police Department, through its customs, policies and training, violated Mr. Mitchell's clearly established state and federal constitutional rights against unreasonable seizure of the person with excessive and deadly force.

Sincerely,

  
Jason R. Schultz

JRS/tfc

cc: Eric Ross, Esq.

00- R -1021